

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, OCTOBER 26, 2004**

The Council of the City of San Jose convened in Regular Session at 9:06 a.m. in Council Chambers at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:06 a.m. in Room 600 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider cases of In Re: Moreno, In Re: Wetherford, Preservation Action Council of San José v. City of San José, et al; (B) to confer with Legal Counsel regarding anticipated litigation (a) of a matter where there is significant exposure to litigation pursuant to subsection (b) of Section 54956.9 of the Government Code and (2) to discuss a matters in the initiation of litigation pursuant to subsection (c) of Section 54956.9 of the Government Code., (C) Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title: City Auditor, (D) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiation: City Manager designee Alex Gurza; Employee Organizations: (1) San José Police Association, (2) International Association of Firefighters, (3) Municipal Employees Federation, (4) Confidential Employees Organization, (5) City Association of Management Personnel, (6) Association of Maintenance Supervisory Personnel, (7) Operating Engineers, Local 3, (8) International Brotherhood of Electrical Workers, (9) Association of Building and Mechanical and Electrical Inspectors, (10) Association of Engineers and Architects, (11) International Federation of Professional and Technical Employees, Local 21.

By unanimous consent, Council reconvened from Closed Session and recessed at 10:47 a.m. and reconvened at 1:38 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

### **INVOCATION (DISTRICT 9)**

Ida Price Middle School Flute Ensemble performed under direction of Catherine Lorigan, Music Director.

## PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Council Member Chavez, seconded by Vice Mayor Dando, and unanimously carried, the Order of the Day and the Amended Agenda were approved. (11-0).

## CEREMONIAL ITEMS

**1.1 Presentation of a proclamation declaring October 20, 2004 as National Disability Mentoring Day and the month of October 2004 as Employment of Persons with Disabilities Awareness Month, with the theme: "You're Hired! Success Knows No Limitations." (Disability Advisory Commission/LeZotte)**

Action: Mayor Gonzales was joined at the podium by Council Member LeZotte to present a proclamation declaring October 20, 2004 as National Disability Mentoring Day and the month of October 2004 as Employment of Persons with Disabilities Awareness Month, with the theme: "You're Hired! Success Knows No Limitations" to Carl Vitt, Chair of the Disability Advisory Committee.

**1.2 Presentation of a commendation to Bay Area Asphalt and Concrete Works recognizing its important contribution to the economy. (Mayor/Chavez) (Orders of the Day)**

Action: Mayor Gonzales, Council Member Chavez, Director of Economic Development, Paul Krutko, and Economic Development Officer Christopher Coggins, presented a commendation to Scott and Jackie Colander of Bay Area Asphalt and Concrete Works in recognition of their important contributions to the economy.

## CONSENT CALENDAR

Upon motion by Council Member Williams, seconded by Council Member Cortese and unanimously carried, the Consent Calendar was approved as indicated with the exception of, Item 2.6 (pulled by Council Member Cortese).

- 2.3 (a) Report on bids opened on August 26, 2004 for the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Streets City Facilities Service Conversions Project and approval to reject those bids.**  
**(b) Report on bids opened on September 30, 2004 and award of contract for the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Streets City Facilities Service Conversions to the low bidder, Beltramo Electric, Inc., in the amount of \$174,950, and approval of a contingency in the amount of \$18,000.**

**CEQA: Resolution No. 68905, PP02-03-061. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated October 4, 2004, recommending report on bids.

**2.3 (Cont'd.)**

Action: The Report was accepted. (11-0).

**2.4 Adoption of a resolution setting a public hearing for November 30, 2004 at 1:30 p.m. for the vacation of Hillsdale Avenue, between Pearl Avenue and Guadalupe River. CEQA: Exempt. Council District 6. (Public Works)**

Documents Filed: (1) Replacement memorandum from Director of Public Works Katy Allen, dated October 21, 2004, recommending setting a public hearing and adoption of the resolution. (2) Memorandum from Director of Public Works Katy Allen, dated October 4, 2004, recommending adoption of the resolution.

Action: Resolution No. 72370, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing to Consider Whether to Vacate a Portion of Hillsdale Avenue Between Pearl Avenue and the Guadalupe River", was adopted. (11-0).

**2.5 Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement for a term of up to four years with Baseball Acquisition Company, Inc. (BAC) for the use, management, and operations of Municipal Stadium, under which BAC would pay to the City 2.5% of contractor's gross receipts or \$10,000 annually, whichever is greater. CEQA: Exempt, PP04-275. Council District 7. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated October 4, 2004, recommending adoption of the resolution.

Action: Resolution No. 72371, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Baseball Acquisition Company, Inc. for the Use, Management, and Operation of Municipal Stadium", was adopted with direction to staff to include an "out-clause" in the agreement to allow other uses for the Municipal Stadium and to keep an eye out for other properties. (11-0).

**2.6 As recommended by the Blue Ribbon Task Force, approve an ordinance amending Chapter 12.10 of Title 12 of the San José Municipal Code to revise the City of San José Revolving Door Ordinance. (Blue Ribbon Task Force/City Attorney)**

Documents Filed: None.

Public Comments: Jennie Unger Eddy suggested possible revision to the proposed Revolving Door Ordinance.

Action: Ordinance No. 27271, entitled: "An Ordinance of the City of San José Amending Chapter 12.10 of Title 12 of the San José Municipal Code to Revise the City of San José Revolving Door Ordinance", was passed for publication. (11-0).

**2.7 Approval of a nomination to the San Jose Silicon Valley Workforce Investment Network Board of Directors. (Mayor)  
(Rules Committee referral 10/20/04)**

Documents Filed: Memorandum from Mayor Gonzales, dated October 20, 2004, recommending approval of the nomination.

Action: The nomination was approved. (11-0).

**2.8 Approval of City's response to the Grand Jury Report on Financial and Performance Audits for the County and Cities for the County. (City Auditor/City Attorney)  
(Rules Committee referral 10/20/04)**

Documents Filed: None.

Action: The City's response was approved.

- 2.9 (a) Approval of Contract Change Order No. 1 with Bellecitti & Pellicciotti Construction Company, Inc., for the Alameda at Cleaves Improvements, in the amount of \$26,300, for a total contract amount of \$277,900.**
- (b) Adoption of the following appropriation ordinance amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):**
- (1) Increase the appropriation to the Department of Public Works for the Alameda at Martin and Cleaves Improvements Project in the amount of \$46,300.**
  - (2) Decrease Ending Fund Balance by \$46,300.**
- CEQA: Exempt, File No. H01-040. Council District 6. (Public Works/City Manager's Office)  
(Rules Committee referral 10/20/04)**

Documents Filed: Memorandum from Director of Public Works Katy Allen and Budget Director, Larry D. Lisenbee, dated October 19, 2004, recommending approval of the contract change and adoption of the ordinance amendments.

Action: The Contract Change Order No. 1 was approved and Ordinance No. 27272 was adopted. (11-0).

## **STRATEGIC SUPPORT SERVICES**

- 3.4 Adoption of a resolution authorizing the City Manager to execute a consultant services contract to assist City staff with a business process gap analysis, contract negotiations, and provide technical architecture and quality assurance support related to the development of the BearingPoint/PeopleSoft contract scope of services. CEQA: Not a Project. (Finance)  
(Deferred from 10/5/04 – Item 3.4, and 10/19/04 – Item 3.4)**

### **3.4 (Cont'd.)**

Documents Filed: None.

Action: This item was deferred to November 2, 2004.

### **3.5 Presentation on the systems furniture procurement process for the New City Hall Project. (City Manager's Office/General Services)**

Documents Filed: (1) Memorandum from Deputy City Manager for Capital Projects, Terry Roberts and Acting Director of Conventions, Arts & Entertainment Jim McBride, dated October 19, 2004, recommending acceptance of the staff report providing an update on the procurement for systems furniture at the new City Hall. (2) Hardcopy PowerPoint presentation of the New City Hall Systems Furniture Bid Package, dated October 26, 2004.

Discussion: Council Member Cortese requested staff to include an option for Herman Miller compatible components.

Council Member Gregory asked staff to ensure adequate outreach to small, local businesses is conducted.

Vice Mayor Dando requested staff to provide additional information about the seven perspective bidders, including names and if any are local vendors.

Action: The presentation was accepted. No Council action taken. Staff was directed to include an option for Herman Miller compatible components, to ensure adequate outreach to small, local businesses, and to provide additional information about the seven perspective bidders, including names and if any are local vendors.

## **ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

### **4.3 Discussion and action on the risk the City undertakes when it participates in the development of affordable housing projects. (Reed)**

Documents Filed: None.

Action: This item was deferred

## RECREATION & CULTURAL SERVICES

- 5.2 (a) Approval of the list of San José B.E.S.T. Eligible Service Providers for 2004-2007.**
- (b) Adoption of a resolution authorizing the City Manger to negotiate and execute grant agreements and amendments with the San José B.E.S.T. Eligible Service Providers, consistent with the directives of the Mayor's Gang Prevention Task Force for a term of September 1, 2004 through August 31, 2005, and for a total amount not to exceed \$2,465,000.**

**CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)**  
**(Deferred from 10/5/04 – Item 5.3 and 10/12/04 – Item 5.3)**

Documents Filed: None.

Action: This item was dropped. Heard by council on October 19, 2004.

- 5.3 Acceptance of the Library Benefit Assessment District Annual Report. CEQA: Not a Project. (Library)**

Documents Filed: (1) Memorandum from Library Director, Jane Light, dated October 4, 2004, transmitting the Library Benefit Assessment District Annual Report. (2) Hardcopy PowerPoint presentation of the Library Benefit Assessment Annual Report, dated October 2004.

Public Comments: William Garbett spoke in opposition to the assessment.

Ross Signorino spoke in support of Measure S and library funding.

Action: Upon motion by Council Member Yeager, seconded by Council Member Chavez, and unanimously carried, the report was accepted. (11-0)

- 5.4 Approval of the application process and rating criteria for the 2005-2006 CDBG application cycle. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated October 6, 2004, recommending approval of the application process and rating criteria.

Action: Upon motion by Council Member Yeager, seconded by Council Member Campos, and unanimously carried, the application process and rating criteria were approved. (11-0).

- 5.5 Approval of the application process, evaluation criteria, and policies for the 2005-2006 Healthy Neighborhoods Venture Fund application cycle. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)**

## 5.5 (Cont'd.)

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated October 15, 2004, recommending approval of the application process, evaluation criteria, and policies.

Action: Upon motion by Council Member Chavez, seconded by Council Member Yeager, and unanimously carried, the application process, evaluation criteria, and policies were approved. (11-0).

## 5.6 Adoption of a resolution authorizing the City Manager to negotiate and execute:

- (a) **A Bicycle Expenditure Plan (BEP) Grant Agreement with the Valley Transportation authority in an amount not to exceed \$2,400,000 and include a required match to the grant funding of \$600,000 by the City; and submit all necessary documents to effectuate the grant funding.**
- (b) **A grant agreement with the Open Space Authority 20% Funding Program in an amount not to exceed \$600,000 and direct the use of \$600,000 in the Open Space authority 20% Funding Program to provide the required 20% matching fund as required to obtain the Bicycle Expenditure Plan grant funding.**

**CEQA: Exempt, PP04-290. Council Districts 3 and 6. SNI: Delmas Park and Burbank/ Del Monte. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated October 4, 2004, recommending authorizations for the City Manager.

Discussion: Council Member Yeager requested staff to provide an updated timeline for completion of the proposed project.

Action: Upon motion by Council Member Yeager, seconded by Council Member Williams, and unanimously carried, Resolution No. 72372, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Bicycle Expenditure Plan Grant Agreement with the Valley Transportation Authority in an Amount Not to Exceed \$2,400,000 and Include a Required Match to the Grant Funding of \$600,000 by the City of San José", was adopted with additional direction for staff to provide an updated timeline for completion of the proposed project. (11-0).

## 5.7 Report on bids and award of contract for the Southside Community Center Phase 3 Project to the low bidder, Coast Side Associates, Corp. to include the base bid and Add Alternate Nos. 1, 2, 3, and 4 in the amount of \$1,248,762, and approval of a contingency in the amount of \$188,000. CEQA: Exempt, PP02-02-028. Council District 2. (Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: Memorandum from Director of Public Works Katy Allen and Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated October 4, 2004, recommending the report on bids and award of contract.

## 5.7 (Cont'd.)

Action: Upon motion by Council Member Williams, seconded by Council Member Chavez, and unanimously carried, the report on bids and award of contract were approved. (11-0).

- 5.8 (a) **Receive report and consider possible action to mitigate the coyote presence in the Villas of Almaden.**
- (b) **Consider approval of an ordinance amending Title 7 of the San Jose Municipal Code to add Chapter 7.11 to ban the feeding of certain wild animals including deer, mountain lions, coyote, fox, opossums, skunks, bears and raccoons.**

**CEQA: Exempt, PP04-289**

- (c) **Consider adoption of an urgency ordinance amending Section 7.10.010 of Title 7 of the San Jose Municipal Code to create an exemption to the prohibition on animal traps, for State and County employees and their duly authorized agents, in the discharge of their official duties, and initiation of a permanent ordinance for the same purpose.**

**CEQA: Exempt, PP04-276.**

**(Parks, Recreation & Neighborhood Services/City Attorney's Office)**

**(Council referral 10/12/04 - Item 5.4)**

Documents Filed: (1) Memorandum from Vice Mayor Dando, dated October 25, 2004, recommending; (a) acceptance of the staff report on short and long-term methods to expel coyotes from residential areas, (b) direction to staff to work in partnership with the residents of the Villas of Almaden and the Wildlife Center of Silicon Valley to implement a long-term plan for deterring coyotes from returning to the residential neighborhoods, (c) direction to staff to work with the Villas of Almaden Homeowners Association to identify alternative landscaping materials that may be used in the future that would deter coyotes from returning to the Villas, (d) direction to staff to add additional dog leash signage in Guadalupe Oak Grove, Jeffery Fontana and T.J Martin Parks and provide additional enforcement of the dog leash ordinance. (2) Memorandum from Director of Parks, Recreation & Neighborhood Services Sara Hensley, dated October 25, 2004, recommending the encouragement of the County of Santa Clara Vector Control to use snares for 10-days to capture coyotes before the use of the padded-jaw leg-hold traps and the adoption of the Urgency Ordinance enabling the Santa Clara Vector Control to use the padded-jaw leg-hold trap consistent with their letter, dated September 21, 2004 (Attachment A). (3) Supplemental memorandum from Director of Planning, Building & Code Enforcement Stephen Haase, dated October 26, 2004, transmitting a preliminary biological assessment of the use of leg-hold traps to expel the coyote population living in the Villas of Almaden. (4) Letter from Marcia J. Woodward, dated October 27, 2004, supporting the use of padded-jaw leg-hold traps. (5) Letter from Arthur C. Woodward, dated October 27, 2004, recommending approval of the urgency ordinance. (6) Letter from Villas of Almaden resident, recommending support of the urgency ordinance. (7) Letter from representative of the Animal Protection Institute Camilla Fox, dated October 25, 2004, opposing the use of padded-jaw leg-hold traps. (8) Letter from Rick A. Hopkins, PhD, dated October 26, 2004, transmitting scientific



## 5.8 (Cont'd.)

relevance of coyotes at the Villas of Almaden. (9) Letter from the Sierra Club – Loma Prieta Chapter Director Melissa Hippard, dated October 20, 2004, opposing the use of padded-jaw leg-hold traps.

Public Comments: Steven Weil, Kyra Hubis, Mary Ann Evans, Clara Rodrigues, David James, Yvonne James, Arthur Woodward, Marcia Woodward, Bud Spadafore, Jackson Wood, Sally Ravel, and C. Haywood spoke in support of the proposed actions to mitigate the Coyotes presence in the Villas of Almaden.

Beverly Canon, Paul E. Bruce, RVT, Dr. Rick Hopkins, Camilla Fox, Janet Alexander, Lorna Putsateri, Mary A. Paglieri, William J. Garbett, Deniz Bulbol, Trudi Burney, Judy Jones, Giner Langston.

June Ferrero, Craig K. Breon, and Mary Huber spoke in opposition to the proposed actions to mitigate the Coyotes in the Villas of Almaden.

Van Langston asked Council to seriously consider decisions that will impact the community

Discussion: Vice Mayor Dando stressed the importance of the proposed issue and requested Council's support in helping the Villas of Almaden residents to remain safe from possible coyote attacks. She stated she has received a number of complaints regarding coyotes becoming more aggressive in nature towards the residents and they have expressed their fear of possible attacks. She listed the number of steps the current residents are taking to deter coyotes and asked Council to approve the few traps suggested in her memorandum to remove the local coyote dens, she added that the local Agency of Fish and Game as well as a consulting biologist concur with the recommendation.

Council Member Chavez commented on her support of the proposed action and stressed her concerns about the coyotes becoming humanized. She suggested that staff meet with an Advisory group consisting of representatives from the Villas of Almaden Neighborhood Association, Wildlife Center of Santa Clara Valley, and other wildlife support groups to develop, implement, and monitor strategies to deter the return of coyotes.

In response to question from Council Member Yeager , Deputy Director Cicirelli provided additional information about snares and trapping.

Council Member Reed stated he would support the motion given the support of the Department of Fish and Wildlife.

## 5.8 (Cont'd.)

Council Member Williams stated he would not be supporting the motion, and stressed the importance of finding alternate methods of controlling the coyotes.

Council Member Cortese requested the City Attorney to expand the definition of “Wild Game”, consistent with State law and stated he would be supporting the motion.

Council Member Gregory stated he would not be supporting the motion due to staff’s belief that there is still an opportunity to utilize alternative methods of controlling the coyotes.

Council Member Campos stated she still had concerns as to what alternate methods had been used to control the coyotes, rather than the obvious action of putting them to death. She stated the decision was a difficult one and she was still undecided.

Council Member LeZotte stressed concerns regarding bringing the proposed actions to Council again, considering the previous urgency ordinance had failed. City Attorney Richard Doyle stated the proposed recommendation was different in context and the proposed ordinance was not the same as the one failed, therefore it was appropriate to be heard by Council once again. Council Member LeZotte stated she would not be supporting the motion due to the alternate actions not being utilized and she did not agree with the proposal to trap and euthanize the coyotes.

Vice Mayor Dando reiterated the importance of addressing the health and welfare of the community and asked for support in helping the residents deal effectively with the aggressive coyotes. She stated the residents were fearful and concerned for the welfare of children. She argues that if actions weren’t taken immediately, there would be further risk of coyote attacks and possible harm to residents.

Action: The report was received and Ordinance No. 27273, entitled: “An Ordinance of the City of San José Amending Title 7 of the San José Municipal Code to Add a New Chapter 7.11 to Ban the Feeding of Wild Animals”, was passed for publication.

Vice Mayor Dando moved approval of Items 1 through 4 of her memorandum, dated October 25, 2004, seconded by Council Member Chavez with direction to staff to ensure they regularly meet with the Advisory group consisting of a representative of the Villas of Almaden Neighborhood Association and a representative of the Wildlife Center of Santa Clara Valley, as well as other wildlife support groups to ensure guidelines are being met and for this group to meet regularly. (7-4). The Motion failed. Noes: Campos, Gregory, LeZotte, Williams.

Council Member Reed moved approval of recommendations 2, 3 and 4 outlined in Vice Mayor Dando’s memorandum, dated October 25, 2004, with direction contained therein, with additional direction to the City Attorney to expand the definition of “Wild Game”, consistent with State law, seconded by Council Member Williams, and unanimously carried. (11-0).

## **TRANSPORTATION SERVICES**

### **6.2 Approval of purchase and sale agreements with:**

- (a) **Walter Lee Huddleston, Sr., in the amount of \$94,000, for fee title to a portion of 1984 Oakland Road (APN: 244-22-013), in the area of the proposed Oakland Road Street Widening Project; and,**
- (b) **GKW Partners, LLC, a California Limited Liability Company, in the amount of \$324,000, for fee title to a portion of property located at 2000 Oakland Road (APN: 244-22-016, -017, -018) and twelve-month temporary construction easement on an adjoining portion of the property, in the area of the proposed Oakland Road Street Widening Project.**

**CEQA: Negative Declaration, PP03-06-209. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated October 4, 2004, recommending the approval of purchase and sale agreements.

Action: The purchase and sale agreements were approved. (11-0).

## **AVIATION SERVICES**

### **8.1 Report on bids and award of contract for the Norman Y. Mineta San José International Airport - On-Call Construction Contract to the lowest responsive bidder, Granite Rock Co. DBA Pavex Construction Division, in an amount not to exceed \$1,400,000, for a period of two years from the date of award or until expenditures under the contract reach \$1,400,000, whichever occurs first. CEQA: Resolutions Nos. 67380 and 71451, PP04-03-087. (Public Works/Airport)**

Documents Filed: None.

Action: This item was deferred to November 2, 2004.

## **PUBLIC SAFETY SERVICES**

### **9.1 Acceptance of the report regarding Public Outreach on a proposed High-Rise Safety ordinance that would require installation of the following equipment and systems in new high rise buildings: breathing air system; electrical standpipe system; and radio repeater system. CEQA: Not a Project. (Fire) [Council referral 10/12/04 – Item 3.2(g)(1)]**

Documents Filed: Memorandum from Fire Chief Jeff Clet, dated October 26, 2004, recommending acceptance of the report.

Public Comments: William Garbett spoke in opposition to the proposed High-Rise Safety ordinance.

Action: The report was accepted. (11-0).

## JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened to consider Item 10.1 in a Joint session at 5:24 p.m.

- 10.1 (a) Approval of an ordinance by the City Council amending Chapters 14.25 (Park Impact Ordinance) and 19.38 (Parkland Dedication Ordinance) of the San José Municipal Code, in order to continue the suspension of the exemption for units affordable to low-income residents until December 31, 2005, and to extend the Parkland In-Lieu Fee Voucher Program for eligible low-income residential units.**
- (b) Adoption of resolutions by the City Council and the Redevelopment Agency Board approving the parkland In-Lieu Fee Voucher Program for the payment of subsidized Parkland fees for low-income units by the Redevelopment Agency.**

**CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)  
(Rules Committee referral 10/20/04)**

Documents Filed: Memorandum from City Manager Del D. Borgsdorf and Executive Director of the Redevelopment Agency Harry S. Mavrogenes, dated October 20, 2004, recommending approval of the ordinance and resolutions.

Action: Upon motion by Council Member Yeager, seconded by Council Member LeZotte, and unanimously carried, Ordinance No. 27274, entitled: "An Ordinance of the City of San José Amending Sections 14.25.520 and 14.25.530 of Chapter 14.25 of Title 14 and Sections 19.38.520 and 19.38.530 of Chapter 19.38 of Title 19 of the San José Municipal Code to Extend the Low-Income Unit Exemptions and Also Continue the Low-Income Payment Procedures in the Park Impact Fee and Parkland Dedication Ordinances Until December 3, 2005", was passed for publication, Resolution No. 72373, entitled: "A Resolution of the Council of the City of San José Approving the Extension of the Parkland In-Lieu Fee Voucher Program for Low Income Units", and Agency Resolution No. 5553 were adopted. (11-0).

The Redevelopment Agency Board portion of the meeting adjourned at 5:25 p.m.

## **NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9633	NE/C of 8 <sup>th</sup> St. and Hedding St.	3	Norsca Associates LP., et al.	100 Units	Multi- Family Attached	

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9516	S/S of Curtner Ave. E/O Highway 87	7	Taylor Woodrow Homes, Inc.	1 Lot/136 Units	Approve

### **OPEN FORUM—**

- 1) William Garbett spoke on ethics issues.

### **ADJOURNMENT**

The meeting was adjourned at 5:25 p.m. in memory of Ross Gritts, a proud member of the American Indian Community of San José, for his work with the American Indian Health Center, American Indian Education Center and the Bay Area community.

**RON GONZALES, MAYOR**

**ATTEST:**

**LEE PRICE, C.M.C, CITY CLERK**

EW/10-26-04